

## Environmental Protection Agency

## § 19.4

19.3 [Reserved]

19.4 Penalty adjustment and table.

AUTHORITY: Public Law 101-410, 28 U.S.C. 2461 note; Public Law 104-134, 31 U.S.C. 3701 note.

SOURCE: 73 FR 75345, Dec. 11, 2008, unless otherwise noted.

### § 19.1 Applicability.

This part applies to each statutory provision under the laws administered by the Environmental Protection Agency concerning the civil monetary penalties which may be assessed in either civil judicial or administrative proceedings.

### § 19.2 Effective date.

The increased penalty amounts set forth in the last column of Table 1 to § 19.4 apply to all violations under the applicable statutes and regulations which occur after January 12, 2009. The penalty amounts that were adjusted in EPA's initial adjustment to each statutory civil penalty amount that was

published in the FEDERAL REGISTER on December 31, 1996 (61 FR 69360), and became effective on January 30, 1997, apply to all violations under the applicable statutes and regulations which occurred after January 30, 1997, through March 15, 2004. The penalty amounts that were adjusted in EPA's second adjustment to each statutory civil penalty amount that was published in the FEDERAL REGISTER on February 13, 2004 (69 FR 7121), and became effective on March 15, 2004, apply to all violations under the applicable statutes and regulations which occurred after March 15, 2004, through January 12, 2009.

### § 19.3 [Reserved]

### § 19.4 Penalty adjustment and table.

The adjusted statutory penalty provisions and their applicable amounts are set out in Table 1. The last column in the table provides the newly effective statutory civil penalty amounts.

TABLE 1 OF SECTION 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. code citation	Environmental statute	Statutory penalties, as enacted	Penalties effective after January 30, 1997 through March 15, 2004	Penalties effective after March 15, 2004 through January 12, 2009	Penalties effective after January 12, 2009
7 U.S.C. 1361.(a)(1).	FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA).	\$5,000	\$5,500	\$6,500	\$7,500
7 U.S.C. 1361.(a)(2).	FIFRA .....	500/1,000	550/1,000	650/1,100	750/1,100
15 U.S.C. 2615(a)(1).	TOXIC SUBSTANCES CONTROL ACT (TSCA).	25,000	27,500	32,500	37,500
15 U.S.C. 2647(a)	TSCA .....	5,000	5,500	6,500	7,500
15 U.S.C. 2647(g)	TSCA .....	5,000	5,000	5,500	7,500
31 U.S.C. 3802(a)(1).	PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA).	5,000	5,500	6,500	7,500
31 U.S.C. 3802(a)(2).	PFCRA .....	5,000	5,500	6,500	7,500
33 U.S.C. 1319(d)	CLEAN WATER ACT (CWA) .....	25,000	27,500	32,500	37,500
33 U.S.C. 1319(g)(2)(A).	CWA .....	10,000/25,000	11,000/27,500	11,000/32,500	16,000/37,500
33 U.S.C. 1319(g)(2)(B).	CWA .....	10,000/125,000	11,000/137,500	11,000/157,500	16,000/177,500
33 U.S.C. 1321(b)(6)(B)(i).	CWA .....	10,000/125,000	11,000/137,500	11,000/157,500	16,000/177,500
33 U.S.C. 1321(b)(6)(B)(ii).	CWA .....	25,000/1,000	27,500/1,100	32,500/1,100	37,500/1,100
33 U.S.C. 1321(b)(7)(A).	CWA .....	25,000	27,500	32,500	37,500
33 U.S.C. 1321(b)(7)(B).	CWA .....	25,000	27,500	32,500	37,500
33 U.S.C. 1321(b)(7)(C).	CWA .....	100,000/3,000	110,000/3,300	130,000/4,300	140,000/4,300
33 U.S.C. 1415(a)	MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA).	50,000/125,000	55,000/137,500	65,000/157,500	70,000/177,500